

**FILED**  
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U.S. DISTRICT COURT E.D.N.Y.  
★ SEP 25 2013 ★

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**BROOKLYN OFFICE**

-----X  
ALLSTATE INSURANCE COMPANY, et al.,

Plaintiffs,

- against -

ALLA SMIRNOV, et al.,

Defendants.

-----X  
AMON, Chief United States District Judge.

NOT FOR PUBLICATION  
**MEMORANDUM & ORDER**  
12-CV-01246 (CBA) (SMG)

On October 12, 2012, plaintiffs Allstate Insurance Company, Allstate Indemnity Company, Allstate New Jersey Insurance Company, Allstate Property & Casualty Insurance Company and Allstate Fire & Casualty Insurance Company (collectively, "Allstate") commenced this action against a number of entities and individuals purportedly involved in providing medical care to persons involved in automobile accidents. Allstate brings claims pursuant to the Racketeer Influenced and Corrupt Practices Act ("RICO"), 18 U.S.C. §§ 1962(c)-(d), and state law fraud and unjust enrichment, alleging that these entities and individuals were engaged in a conspiracy to make fraudulent claims for reimbursement under New York's "no-fault" law. The Clerk of Court noted the default of eighteen defendants who have failed to appear or otherwise defend this action, specifically defendants Danette Stefanelli, Rodney Terry, Rusty Moore, Leonid Kaplan, Khalika Ayesha Rowe, Ilya Slepak, Boris Gasilo, Abraham Pinkhasov, Tatyana Usyk, Jasoda Ramoutar, Larry Cantrell, St. John Medical Care, P.C. ("St. John"), Lenox Wellcare Medical, P.C. ("Lenox"), CB Chiropractic, LLC (CB"), New Age Orthopedic Rehabilitation, P.C. ("New Age"), First Aid Medical Care, P.C. ("First Aid"), Rosedale Medical of New York, P.C. ("Rosedale", and West End Chiropractic, P.C. ("West End"). (DE #53-66, #88-90, #99-101, #126.) Allstate subsequently moved on February 1, 2013

for the entry of default judgment against these eighteen defendants. The Court referred to Magistrate Judge Steven M. Gold for report and recommendation, who issued a Report and Recommendation (“R&R”) on August 23, 2013, recommending that the Court grant Allstate’s motions for default judgment, including their request for declaratory relief barring the entity defendants from submitting claims or bringing suit for payment on claims to be entered.

Neither party has objected to the R&R and the time for doing so has passed. When deciding whether to adopt a R&R, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). To accept those portions of the R&R to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” Jarvis v. N. Am. Globex Fund, L.P., 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (internal quotation marks and citation omitted). The Court has reviewed the record and, finding no clear error, hereby adopts Magistrate Judge Gold’s R&R as the opinion of the Court.

### CONCLUSION

Accordingly, the Court enters declaratory relief barring the defaulting defendant entities from submitting claims or bringing suit for payment on claims. In addition, the Clerk of Court is directed to enter judgment against the eighteen defaulting defendants in the following amounts:

Defendant	Time Period	Associated Enterprise(s)	Damages Amount, State Law Claims	Treble Damages Pursuant to RICO
St. John	2008-2011		\$945,204.82	
Lenox	2010-2011		\$272,834.81	
CB	2007-2011		\$211,237.61	
Stefanelli	2008-2010	CB	\$184,160.42	\$552,481.26
Terry	2008-2011	St. John, Lenox, CB	\$1,426,851.02	\$4,280,553.06
Moore	2008-2011	Lenox, CB	\$481,646.20	\$1,444,938.60
New Age	2008-2011		\$294,019.61	
First Aid	2009-2011		\$201,838.49	
Rosedale	2010-2011		\$48,622.79	
West End	2008-2009		\$23,122.74	
Kaplan	2009-2011	First Aid, TDL	\$265,959.20	\$797,877.60
Slepak	2008-2011	New Age, TDL, LDT, First Aid, Rosedale, West End	\$648,991.12	\$1,946,973.36
Gasiloo	2010-2011	New Age, LDT	\$13,785.59	\$41,356.77
Pinkhasov	2009-2011	First Aid, Rosedale, LDT	\$266,554.05	\$799,662.15
Rowe	2008-2009	West End	\$23,122.74	\$69,368.22
Cantrell	2009-2011	First Aid, Rosedale, LDT	\$267,327.22	\$801,981.66
Usyk	2009-2011	New Age, TDL	\$358,541.16	\$1,075,623.48
Ramoutar	2009-2011	First Aid, TDL	\$220,927.48	\$662,782.44

SO ORDERED.

Dated: Brooklyn, New York  
September 24, 2013

s/Carol Bagley Amon

Carol Bagley Amon  
Chief United States District Judge